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W.P.No.764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.764 of 2023

S.Kodivanam

.. Petitioner

Vs

1.The Secretary to Government
Agricultural Department
Fort St. George
Chennai 600 009

2.The Registrar of Agro Engineer and Services/
Commissioner of Agriculture
Chepauk, Chennai 600 005

3.The Deputy Registrar of Agro Engineer and Services
O/o.Commissioner of Agriculture
Chepauk, Chennai 600 005

4.The Liquidator/Agricultural Officer
TY.SPL.194, Sendurai Agro Engineering and Service
Cooperative Centre Ltd.
Panchayat Union Office Compound
Jayankondam Post 621 802
Udayarpalayam Taluk
Ariyalur District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records relating to the



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impugned order passed by the 4th respondent dated 16.03.2022 and quash the same and consequently directing the respondents to disburse the retrenchment compensation/retirement benefits to the petitioner together with interest for belated payment at the rate of 12%.

For Petitioner	: Mr.C.Prakasam
For RR1 to 3	: Mr.K.Tamilvendan Government Advocate
For R4	: Mr.K.Rajendran

ORDER

This writ petition has been filed challenging the communication dated 16.03.2022 issued by the 4th respondent to the petitioner and for a consequential direction to the respondents to disburse the terminal benefits of the petitioner along with interest.

2. The case of the petitioner is that he was appointed as Office Assistant in Sendurai Agro Engineering and Service Cooperative Centre Ltd. on 01.10.1989. Thereafter, he was promoted as salesman in the year 1994 and he was once again promoted as Store Keeper in 1999. Ultimately, he got promotion to the post of Head Clerk in the year 2012 and on attaining superannuation on 31.05.2018, the



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petitioner was allowed to retire from service by the 4th respondent. The petitioner was not paid/disbursed the retirement benefits. After nearly one year from the date of his retirement, only the provident fund alone was disbursed to the petitioner.

3. The petitioner was making repeated representations seeking disbursal of his terminal benefits. Ultimately, the petitioner received a communication dated 16.03.2022 from the 4th respondent, informing the petitioner that the Society has gone under liquidation and a Liquidator has been appointed to liquidate the affairs of the Society. Therefore, the petitioner was informed that the terminal benefits will be considered only on realization of assets, recovery of liabilities and on finalization of liquidation. Aggrieved by this communication made by the 4th respondent, the present writ petition has been filed.

4. The 4th respondent has filed counter affidavit. Paragraph 5 of the counter affidavit has lot of relevance in this case and the same is extracted hereunder :

“5. I respectfully submit that the averments made in paragraph 8, is not relevant to the petitioner's case. The petitioner was served in the 4th respondent Society which is a primary level society. The AGROFED referred by the petitioner is an Apex



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Institution and the 4th respondent society is a primary level and both are different entities. Before the closure of the AGROFED the Special Officer of AGROFED has sent a proposal to the Government and they have pledged AGROFED moveable and immovable ASSETS with Government and requested for sanction of a loan of Rs.15,60,25,000 for payment of closure compensation and other terminal benefits to 384 employees of the Federation. Accordingly, the Government has scrutinized and sanctioned the said loan vide G.O.Ms.No.303 Agriculture Department dated 15.11.2005 based on the assets of the Apex Society. Subsequently, the Government sanctioned further loan of Rs.6,40,12,000 for payment of difference of terminal benefits as per the VI Pay Commission to. In the case of 4th respondent society they have not deposited any amount into bank. Hence, the G.O. referred by the petitioner is not applicable to his case.”

5. Heard both sides and perused the materials available on record.

6. In the case in hand, the petitioner has put in service from 1989 till 2018 and he was permitted to retire from service. Therefore, the petitioner is entitled for retirement benefits. The petitioner cannot be left in lurch and already he is aged about 65 years. The 4th respondent has received loan from the Government for the



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settlement of terminal benefits. The petitioner is the only claimant, who has approached for the settlement of terminal benefits and therefore, from the amount that has been sanctioned by the Government, the terminal benefits of the petitioner can be settled.

7. In the light of the above discussion, there shall be a direction to the 4th respondent to settle the terminal benefits to which the petitioner is entitled to, within a period of three months from the date of receipt of a copy of this order. If there is any delay beyond the time period fixed by this Court, the terminal benefits will have to be settled with interest @ 6% p.a. from the date on which it became due and payable till the date on which it is settled. The petitioner is directed to give a fresh representation to the 4th respondent along with a copy of this order.

The writ petition is disposed of with the above direction. No costs.

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Index : Yes/No

Neutral Citation : Yes/No



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N.ANAND VENKATESH, J.

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To

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